

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STANLEY GIBBS,

Plaintiff,

No. 07-CV-15462-DT

vs.

Hon. Gerald E. Rosen

TIM BALL, et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on February 11, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

This prisoner civil rights matter having come before the Court on the January 12, 2009 Report and Recommendation of United States Magistrate Judge Michael Hluchaniuk recommending that Defendants' Motion for Summary Judgment be granted and Plaintiff's Complaint be dismissed, in its entirety;¹ and no timely objections having been filed;² and having reviewed the Magistrate Judge's Report and Recommendation

¹ The Magistrate Judge recommended that Plaintiff's federal claims be dismissed with prejudice and that the Court decline to exercise supplemental jurisdiction over Plaintiff's state law claims and dismiss these latter claims without prejudice.

² Plaintiff was granted an extension of time within which to file objections allowing him until February 9, 2009 to file his objections. However, as of this date, no objections have been filed.

and the Court's entire file of this matter, the Court concludes that the relief requested by Defendants should be granted, and being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's January 12, 2009 Report and Recommendation [**Dkt # 24**] is adopted by the Court.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment [**Dkt. # 18**] is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's federal claims against Defendants Tim Ball, Shelley King and Dan Smith be, and hereby are, DISMISSED, WITH PREJUDICE.

The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims. Therefore, pursuant to 28 U.S.C. § 1367,

IT IS FURTHER ORDERED that Plaintiff's state law claims are DISMISSED, WITHOUT PREJUDICE.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: February 11, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 11, 2009, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager